THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4730 of 2004

22.08.2006

Between:

N.MUTTU, S/o.late Sri Nagappan
And others

… Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners are sons of late Nagappan. They are statedly residents of Chinna Eatipakam Village of Satyavedu Mandal in Chittoor District. The petitioners and their mother, Smt.Chinnammal, purchased land admeasuring Acs.26.92 cents situated in survey Nos.304/1 to 6 of Chinna Eatipakam Village under registered sale deeds from various persons. They were allegedly in possession of the land where they raised mango garden. The Mandal Revenue Officer, Satyavedu Mandal (MRO), fourth respondent herein, initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) for resumption of the lands alleging that the petitioners purchased assigned lands in contravention of Section 3(2) of the Act. The petitioners submitted explanation requesting not to resume the land on the ground that they purchased the land a decade ago and raised mango garden. The explanation was rejected and an order was passed for resumption of the land. The petitioners then approached the Government of Andhra Pradesh by way of a revision. The same was rejected by the Government on 08.6.2000 by memo No.35361/Assn/IV/96-5. At that stage, the petitioners approached the District Collector seeking alienation of the land for market value whereupon the District Collector sent a report allegedly recommending to the Government to alienate the land to the petitioners @ Rs.60,000/- per acre. By memo No.44056/Assn. IV(2)/2003-1 dated 24.11.2003

rejected the request. This order is assailed in the writ petition.

Learned Counsel for the petitioners vehemently contends that the impugned order was passed by the Government ignoring the recommendation made by the District Collector and, therefore, it is unsustainable. Secondly, he would contend that while rejecting the request of the petitioners for alienation of the land, the Government ought to have issued notice to the petitioners.

After giving anxious consideration to the material placed on record and the submissions made by the learned Counsel for the petitioners, this Court cannot countenance the submissions. Admittedly, the petitioners purchased the land from assignees in contravention of the provisions of the Act. Indeed, as pointed out by the learned Assistant Government Pleader for Revenue (Assignment), any transfer of assigned land in contravention of the provisions of the Act is prohibited and such transaction is void under Section 3(2) of the Act. Therefore, while rejecting the application made by the petitioners, the Government observed that as per the established policy, the assigned lands should not be alienated to the persons, who purchased the lands. Even if the District Collector made recommendation, the same cannot be said to be binding on the Government. Under the relevant Board Standing Orders, it is only the Government, which is competent to order alienation of the land on market value. Secondly, the Government considered the request of the petitioners for alienation. Therefore, the question of issuing notice to the petitioners does not arise. It should not be forgotten that the petitioners' revision before the Government was rejected on 08.6.2000 and thereafter they had no right to seek alienation as a matter of course. Therefore, the petitioners have no right to enforce, in this writ petition.

The writ petition is devoid of merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

August 22, 2006.

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